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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 GORDON ANDREW DOUGLAS,) NO. CIV S-97-0775 FCD JFM P
12 Petitioner,)
13 v.) **UNOPPOSED REQUEST AND ORDER**
14 S. CAMBRA, et al.,) **EXTENDING TIME TO FILE OBJECTIONS**
Respondents.) **TO MAGISTRATE JUDGE'S FINDINGS**
16 _____) **AND RECOMMENDATIONS; DECLARATION**
17) **OF COUNSEL**
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18 Pursuant to Local Rule 6-142, petitioner, GORDON ANDREW DOUGLAS,
19 by and through his counsel, Assistant Federal Defender David M. Porter,
20 hereby requests an extension of time of thirty days for the parties to
21 file their objections to the findings and recommendations. The
22 objections are currently due December 14, 2007, one extension of
23 twenty-one days having previously been granted. This request is being
24 made for the reasons set forth in the accompanying declaration of
25 counsel.

26 This request for an extension is not interposed to unduly delay
27 the proceedings, to gain unfair advantage, or for any other improper
28 purpose. Counsel for respondent, Deputy Attorney General Daniel B.

1 Bernstein, has graciously indicated that he has no objection to this
2 request.

3 Accordingly, Mr. Douglas requests the Court issue the order lodged
4 herewith.

5 Dated: December 13, 2007

6 Respectfully submitted,

7 DANIEL J. BRODERICK
Federal Defender

9 /s/ David M. Porter
10 DAVID M. PORTER
Assistant Federal Defender

11 Attorney for Petitioner
12 GORDON ANDREW DOUGLAS

DECLARATION OF COUNSEL

I, David M. Porter, declare as follows:

1. I am employed by the Office of the Federal Defender for the Eastern District of California and the attorney responsible for the above-entitled matter.

2. On November 1, 2007, this Court issued an findings and recommendations and set the deadline for the filing of objections on November 23, 2007. The undersigned promptly sent a copy of the findings and recommendations to Mr. Douglas, who is incarcerated at Pelican Bay State Prison.

3. The undersigned applied for and was granted a twenty-one day extension of time to file objections to the findings and recommendations to allow him to communicate with Mr. Douglas.

4. While the undersigned has exercised diligence in attempting to meet the deadline, he has been unable to do so because of delays in communicating with Mr. Douglas, the need to familiarize himself with the case (which until recently was being handled by another attorney in this office), the intervening holidays, and his duties in other cases, which included a Ninth Circuit opening brief due November 19, 2007; a Ninth Circuit reply brief due December 3, 2007; briefing concerning a motion to compel production, the hearing of which took place in this court on December 6, 2007; a witness interview at Sierra Conservation Camp on December 7, 2007; and objections to findings and recommendations due on December 17 and December 21, 2007.

5. On December 12, 2007, the undersigned contacted counsel for respondent, Deputy Attorney General Daniel B. Bernstein, who graciously indicated that he has no objection to this request.

I declare under penalty of perjury that the matters herein as to

1 which I have personal knowledge are true and correct, and as to other
2 matters, I believe them to be true and correct.

3 DATED: December 13, 2007

4 /s/ David M. Porter
5 David M. Porter

ORDER

Pursuant to the unopposed request of petitioner, and good cause appearing therefor, objections to the findings and recommendations may be filed on or before January 14, 2008.

Dated: December 14, 2007.

John F. Womack
UNITED STATES MAGISTRATE JUDGE

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